

## INSPECTIONS AND APPEALS DEPARTMENT[481]

### Notice of Intended Action

#### **Proposing rule making related to design and construction standards for nursing facilities and providing an opportunity for public comment**

The Inspections and Appeals Department hereby proposes to amend Chapter 61, “Minimum Physical Standards for Nursing Facilities,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 10A.104(5) and 135C.14.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 10A.104(5) and 135C.14.

#### *Purpose and Summary*

The proposed amendments adopt the 2018 Guidelines for Design and Construction of Residential Health, Care, and Support Facilities, published by the Facility Guidelines Institute (FGI) as the minimum design and construction standards for nursing facilities licensed under Iowa Code chapter 135C. The design requirements and recommendations presented in the guidelines have moved away from institutional models to foster development of facilities offering person-centered living environments that support a variety of care models and add to the quality of life for residents. The guidelines help organizations and designers create homelike physical environments that support positive resident outcomes.

Currently, Chapter 61 refers to the 2010 edition of the guidelines for nursing facilities. Adoption of this rule making would provide consistency in the design and construction for nursing facilities licensed pursuant to Iowa Code chapter 135C. Additionally, most architects and engineers use the most current edition of the FGI Guidelines when designing new facilities.

The Facility Guidelines Institute is an independent, not-for-profit organization dedicated to developing guidance for the planning, design, and construction of hospitals, outpatient facilities, and residential health, care, and support facilities. The FGI updates its guidelines every four years to reflect the changing needs of residents being cared for in nursing facilities.

The proposed amendments were reviewed by the State Board of Health at its November 14, 2018, meeting.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa. The Department does not believe that the proposed amendments impose any financial hardship on any regulated entity, body, or individual.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

### *Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on December 26, 2018. Comments should be directed to:

Deborah Svec-Carstens  
Iowa Department of Inspections and Appeals  
Lucas State Office Building  
321 East 12th Street  
Des Moines, Iowa 50319-0083  
Fax: 515.242.6863  
Email: [deborah.svec-carstens@dia.iowa.gov](mailto:deborah.svec-carstens@dia.iowa.gov)

### *Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrule 61.2(3) as follows:

**61.2(3)** Construction shall be in accordance with the standards set forth in ~~Part 4.2 and other applicable provisions of the Guidelines for Design and Construction of Health Care Facilities, 2010 edition~~ the Guidelines for Design and Construction of Residential Health, Care, and Support Facilities, 2018 edition, published by the Facility Guidelines Institute.

ITEM 2. Amend paragraph **61.6(1)“c”** as follows:

c. Projects shall be constructed in compliance with the standards set forth in ~~Part 4.2 and other applicable provisions of the Guidelines for Design and Construction of Health Care Facilities, 2010 edition~~ the Guidelines for Design and Construction of Residential Health, Care, and Support Facilities, 2018 edition, published by the Facility Guidelines Institute.

ITEM 3. Amend subrule 61.6(6) as follows:

**61.6(6) Lighting requirements.** Light shall be provided in the areas of the building as required in ~~Table 4.1-3 of the Guidelines for Design and Construction of Health Care Facilities, 2010 edition~~ the Guidelines for Design and Construction of Residential Health, Care, and Support Facilities, 2018 edition, published by the Facilities Guidelines Institute.

ITEM 4. Amend rule 481—61.9(135C), introductory paragraph, as follows:

**481—61.9(135C) Specialized unit or facility for persons with chronic confusion or a dementing illness (CCDI unit or facility).** A CCDI unit or facility shall be designed in accordance with ~~Section 4.2-2.2.3.2 and other applicable provisions of the Guidelines for Design and Construction of Health Care Facilities, 2010 edition~~ the standards set forth in the Guidelines for Design and Construction of Residential Health, Care, and Support Facilities, 2018 edition, ~~produced by~~ published by the Facility Guidelines Institute. The following provisions shall also apply: